

KUWAIT 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Kuwait is a constitutional, hereditary emirate ruled by the al-Sabah family. While there is also a democratically elected parliament, the amir holds ultimate authority over most government decisions. The most recent parliamentary general election, considered generally free and fair, was held in December 2020. Members of the opposition won a majority of seats while no women candidates won a seat.

Police have sole responsibility for the enforcement of laws not related to national security, while the Kuwait State Security oversees national security matters. Both police and Kuwait State Security personnel report to the Ministry of Interior, as does the Coast Guard. The Kuwait National Guard is independent of the Ministry of Interior and the Ministry of Defense. The Kuwait National Guard reports to the prime minister and the amir. The Kuwait National Guard is responsible for critical infrastructure protection, support for the Ministries of Interior and Defense, and the maintenance of national readiness. Civilian authorities maintained effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment or punishment by government agents; arbitrary arrest; political prisoners; serious restrictions on free expression and media, including censorship and the existence of criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of NGOs and civil society organizations; restrictions on freedom of movement including the right to leave the country; government corruption; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons; and the existence and use of laws criminalizing consensual same-sex sexual conduct between adults.

The government took significant steps in some cases to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in

the government. Impunity was a problem in corruption cases.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment, but there continued to be reports of torture and mistreatment by police and security forces against detained members of minority groups and noncitizens.

Several noncitizens claimed police or Kuwaiti State Security (KSS) force members beat them at police checkpoints or in detention. During the reporting period at least eight foreign nationals reported credible cases of abuse or mistreatment during arrest or interrogation by law enforcement, including the Ministry of Interior's Drug Enforcement General Directorate (DEGD). In their initial meeting with prisoners, public prosecutors must ask whether the prisoner is injured; it is the prisoner's responsibility to raise the subject of abuse. Prosecutors also look for visible injuries. If a prisoner states they are injured or if injuries are visible, prosecutors must ask how the injury happened and refer the prisoner to medical professionals.

Numerous activists representing stateless persons of Arab heritage – known in Arabic as *bidoon jinsiya* (without nationality) or colloquially as *Bidoon* – reported mistreatment at the hands of authorities while in detention. There continued to be allegations from individuals that they were subjected to unlawful detention and

physical and verbal abuse in police centers and State Security detention centers. There are credible indications that police, KSS force members, and the DEGD abused prisoners during arrest or interrogation. Multiple transgender individuals have reported cases of rape and physical and verbal abuse by police and prison officials.

The government investigated complaints against police and took disciplinary action when the government determined it was warranted. As of November the Department of Oversight and Inspection at the Ministry of Interior received 591 complaints against ministry employees for abuse of power, the arbitrary application of the law, excessive use of force, and verbal or physical abuse of citizens and noncitizens. The Ministry of Interior applied disciplinary actions, including fines, detention, and removal or termination from professional postings. In more serious cases, however, individuals can bring their cases against a ministry employee to the courts, or the ministry can refer the complaint to the courts through its legal department. Of the 591 complaints received, as of November the ministry reviewed 413, 71 of which resulted in disciplinary actions and 96 of which were referred to the courts. The government did not make public the findings of its investigations or administrative punishments. The current number of complaints of sexual or physical violence reported by prisoners was unavailable, as was data on how many, if any, were terminated.

Although government investigations do not often lead to compensation for victims, the victim can utilize government reports and results of internal disciplinary actions to seek compensation via civil courts.

Prison and Detention Center Conditions

Prison conditions were harsh due to overcrowding.

Physical Conditions: Prison overcrowding continued to be a significant problem during the pandemic. Authorities hold men and women in separate prisons. Juveniles are held in separate wards within the adult prisons. Pretrial prisoners are held in the central prison, and convicted prisoners are held in the public prison. According to the Ministry of Interior, the capacity of the central prison is 2,390 inmates, and there were 3,037 inmates as of November. In a November visit to the

central prison, however, the National Council for Human Rights (*Diwan Huquq al-Insan* or the Human Rights Diwan) stated there were 4,500 inmates. According to the Ministry of Interior, there was overcrowding at the public prison but not at the women's prison. If a woman gives birth while imprisoned, she has the right to decide to keep her child with her in the women's prison. As of November there were three children in the women's prison with their mothers.

In January security officials reported to local media that there was extensive overcrowding at the deportation center because of limited flights available to return prisoners to their home countries. At the time 800 persons were detained pending deportation – mostly from Sri Lanka, Vietnam, and Madagascar – including families with women and children. Some individuals were held for up to nine months awaiting deportation in either police station holding cells, the deportation prison, residency violators' holding cells, and the DEGD. The Ministry of Interior reported no overcrowding at the deportation center as of November. Press reports, however, indicated that the Ministry of Interior and the Public Authority for Manpower (PAM) stopped efforts to identify and arrest illegal residents due to overcrowding at the center from October to December.

Access to and quality of food, potable water, sanitation, heating, ventilation, lighting, and medical care were adequate. The Ministry of Interior reported there was a hospital and several specialized clinics in the prison complex run by the Ministry of Health. More serious medical cases were referred to hospitals outside of the prison complex. The Ministry of Interior imposed various measures to prevent the spread of COVID-19 inside the prisons. Only Muslims and Christians are permitted to pray and possess religious literature while detained. According to the government, prisoners were allowed to make one domestic telephone call per day and one international call per month. International observers confirmed that prisoners were able to make domestic calls via a landline for approximately 10 minutes each day. There were no reports of deaths in prisons, jails, pretrial detention, or other detentions centers attributed to prison conditions.

Administration: There were some reports of corruption and lack of supervision by the administration of the prison and detention center system. While inmates lodged complaints against prison officials and other inmates, no information was available on the resolution of these complaints. Authorities allowed Muslim

imams and Christian clergy access to prisoners and detainees for religious observance, but other religions did not have this privilege.

Independent Monitoring: The Ministry of Interior permitted independent monitoring of prison conditions by some nongovernmental observers and international human rights groups, although required written approval for visits by local nongovernmental organizations (NGOs). Authorities permitted staff from the National Assembly's Human Rights Committee, Kuwait Red Crescent Society, the International Committee of the Red Cross, the UN High Commission for Refugees (UNHCR), the Evangelical Church, the Kuwait Bar Association, and Human Rights Diwan to visit prisons and detention centers during the year.

Improvements: Efforts by the government to decrease the prison population to mitigate the spread of COVID-19 substantially reduced overcrowding in the prisons. In January, Amir Sheikh Nawaf al-Ahmad al-Jaber al-Sabah issued a decree pardoning 600 prisoners. Of those pardoned, 120 prisoners were released early in February, and the others were given a penalty reduction or fine exemption. In May a second decree provided amnesty and commuted the prison terms of 459 additional convicts.

Observers indicated that sanitation and facilities maintenance had generally improved from previous years, particularly due to the government's early release of approximately 1,000 prisoners who had committed minor offenses or served most of their time. In September the Ministry of Interior launched a new electronic monitoring system for citizens on bail or probation, which will allow those sentenced to less than three years to serve their sentences at home wearing monitoring devices. This tracking system is available only to citizens for traffic violations and criminal offenses.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

A police officer generally must obtain an arrest warrant from a state prosecutor or a judge before making an arrest, except in cases of hot pursuit or observing the commission of a crime. There were numerous reports of police arresting and detaining noncitizens without a warrant, apparently as part of the government's effort against unlawful residents. Authorities generally informed detainees promptly of the charges against them and allowed access to family members and a lawyer of their choice. For defendants without a lawyer, one is provided by the state. The courts usually do not accept cases without warrants issued prior to arrests. In some detention cases, authorities permitted lawyers to attend legal proceedings, but did not allow direct contact with their clients. Some defendants were sentenced in absentia. Detainees facing "state security" charges were routinely denied access to their lawyers, interpreters, and document translators in advance of hearings. Police investigated most misdemeanor cases, and suspects were released within 48 hours after paying bail or a fine. For more serious misdemeanors and felonies, police can hold a suspect a maximum of four days on their own authority before they must refer the case to prosecution. Nonetheless, some detainees, especially those held for drug and state security crimes, were detained for periods of one to two weeks without notification of the specific charges against them. They were also not allowed to make telephone calls or contact lawyers and family members.

If authorities file charges, a prosecutor may remand a suspect to detention for an additional 10 days for a serious misdemeanor, and three weeks for a felony, in order to question the suspect and investigate the case. Prosecutors also may obtain court orders to extend detention for another 15 days, up to a maximum of four months' detention pending trial. There is a functioning bail system for defendants awaiting trial.

Arbitrary Arrest: There were several reports of arbitrary arrest, including of citizens. In July authorities arrested poet Jamal al-Sayer after they raided his home and charged him with insulting the amir and spreading false news on Twitter. Al-Sayer posted poems on government corruption and directly addressed the amir on his social media accounts. Al-Sayer was released without bail in July and the Criminal Court acquitted al-Sayer in November. In August, KSS detained Saleh

al-Rasheedi, a Ministry of Interior employee, without telling him the reason for his arrest after he reported corruption concerns over government contracts. Al-Rasheedi was released after 10 days. Other reports indicated that the KSS pulled over and arrested arbitrarily three human rights activists; the activists were later released.

Pretrial Detention: Arbitrary and lengthy pretrial detention sometimes occurred. Authorities held some detainees beyond the maximum detention period of six months. The length of pretrial detention did not equal or exceed the maximum sentence for the crime. NGOs familiar with the judicial system reported that they believed the number of judges and prosecutors working at the Ministry of Justice was inadequate to process cases in a timely manner. In April the government amended its freedom of speech laws to prohibit pretrial detention for defendants in freedom of expression cases. Prolonged detention at the government-run Talha Deportation Center was also a problem, particularly when a migrant worker detainee allegedly owed money to a citizen or lacked in-country diplomatic representation able to facilitate exit documents. International organizations stated that these cases could take up to one month to resolve. The government stated that most deportation cases were resolved within three days. There were 657 individuals held in pretrial detention as of November.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The law provides detainees with the ability to challenge the lawfulness of their detention before a court, except when related to questions of citizenship or residency status. Questions of citizenship or residency status are not subject to judicial review, so noncitizens arrested for unlawful residency (or those whose residency is canceled due to an arrest) have no access to the courts. The law allows government authorities to administratively deport a person without judicial review but requires the person to be a threat to the national security or harmful to the state's interests. The law is broadly used and subjects noncitizens charged with noncriminal offenses, including some residency and traffic violations, to administrative deportations which they cannot challenge in court. Some migrant workers administratively deported lacked access to labor dispute mechanisms.

Noncitizens charged in criminal cases face legal deportation, which they can challenge in court.

e. Denial of Fair Public Trial

The law and the constitution provide for an independent judiciary, and the government generally respected judicial independence and impartiality. The Supreme Judicial Council nominates all prosecutors and judges and submits nominations to the amir for approval. Judges who were citizens received lifetime appointments until they reached mandatory retirement age. Noncitizen judges held one- to three-year renewable contracts. The Supreme Judicial Council may remove judges for cause. In September the Chief of the Supreme Judicial Council and Chairman of the Court of Cassation Council began implementing the “Kuwaitization plan” for the judiciary, as part of a government initiative to recruit more of its own citizens for public sector employment. The chief said the council agreed to admit graduates of the faculties of law and sharia to the Public Prosecutor’s Office. Generally, the judiciary was independent; however, noncitizen residents involved in legal disputes with citizens frequently alleged the courts showed bias in favor of citizens. In some cases legal residency holders – principally migrant workers – were detained and deported without recourse to the courts.

Trial Procedures

The constitution provides for the right to a fair and public trial, and the independent judiciary generally enforced this right. The law forbids physical and psychological abuse of the accused. Defendants enjoy the right to a presumption of innocence, to be present at their trial, and to receive prompt, detailed information on the charges against them. The Ministry of Justice is required to pay for and provide defendants with an interpreter for the entire judicial process, but this did not always occur. In some cases, defendants who did not speak or understand Arabic learned of charges against them after their trial began, because an interpreter was not provided when charges were presented.

Criminal trials are public unless a court decides the “maintenance of public order” or the “preservation of public morals” necessitates closed proceedings. During the first half of the year judges exercised wide discretion in closing their courtroom or limiting members of the public in court proceedings due to COVID-19 guidelines, but limits were eased during the second half of the year. Defendants generally

have the right to communicate with an attorney of their choice. The bar association is obligated upon court request to appoint an attorney without charge for indigent defendants in civil, commercial, and criminal cases, and defendants used these services. Defendants have the right to adequate time and facilities to prepare a defense. Most court documents were not publicly accessible.

Defendants have the right to confront their accusers, to confront witnesses against them, and to present their own witnesses, although these rights were not always respected. Defendants cannot be compelled to testify or confess guilt. Defendants have the right to appeal verdicts to a higher court, and many exercised this right.

Under the domestic labor law, domestic workers are exempted from litigation fees. If foreign workers had no legal representation, the public prosecutor sometimes arranged for it on their behalf, but with little or no involvement by the workers or their families. When workers received third-party assistance to bring a case, the cases were often resolved when the employer paid a monetary settlement to avoid a trial.

Political Prisoners and Detainees

There were many reports of persons detained for expressing their political views. These individuals were given the same protections as other detainees and the government permitted human rights groups to visit them. Throughout the year the government continued to arrest individuals on charges such as insulting the amir, leaders of neighboring countries, or the judiciary; spreading false news; or undermining the state's efforts to control the spread of COVID-19. The courts issued verdicts for 21 cases of individuals charged with insulting the amir; some defendants were acquitted, while others received jail sentences from one to 10 years. Sentences for organizing public demonstrations amongst the Bidoon, participating in unlicensed or illegal demonstrations against the country's ruling system, spreading false news, or criticizing the amir or other leaders on social media ranged from six months in prison to 10 years plus fines for multiple offenses.

The government actively monitored social media and incarcerated bloggers and political activists for expressing opinions and ideas critical of the government.

Media reported between two and four such convictions per month.

In September authorities released Abdullah Fayrouz, a human rights activist and Bidoon rights advocate, after he served eight years in prison pending deportation for insulting the amir on Twitter. Fayrouz, who claimed to be a citizen but has been designated by the government as Bidoon, had been sentenced to exile but was never deported because no other country was willing to accept him.

Amnesty: In November the amir pardoned 11 former opposition members of parliament and activists self-exiled in Turkey who were convicted of storming the National Assembly in 2011. Additionally, the amir pardoned 24 Shia citizens from the al-Abdali Cell who were linked to Hizballah and Iran and convicted in a 2017 state security case. The pardons were part of a National Dialogue aimed at resolving Arab Spring-era tensions between the government and opposition.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary and trial for individuals or organizations in civil matters regarding human rights abuses, but authorities occasionally did not enforce such requirements for political reasons. Authorities frequently used administrative punishments, such as travel bans or deportation in civil matters. As of November there were 36,761 travel bans issued during the year for citizens and noncitizens for various reasons, including pending court cases, personal status cases, and outstanding financial claims. In most cases of human rights or labor law abuses, victims can go to PAM or the Domestic Workers Employment Department (DWED) to reach a negotiated civil settlement outside of court, except for cases of physical or sexual abuse. In these cases workers can file criminal complaints at police stations or through the Public Prosecutor's Office. For other labor related complaints, workers can file complaints with PAM or the DWED, and if this is unsuccessful, these workers can pursue their cases in labor courts.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and the law prohibit such actions, and there were no reports that

the government failed to respect these prohibitions. Cybercrime agents within the Ministry of Interior regularly monitored publicly accessible social media sites, however, and sought information regarding owners of accounts, although foreign-owned social media companies denied most requests for information.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, although these rights were routinely violated. The law also imposes penalties on persons who create or send “immoral” messages, spread false news, and gives unspecified authorities the power to suspend communication services to individuals on national security grounds. The number of individuals convicted for expressing their opinions was not available at year’s end.

Freedom of Expression: The law bans certain issues for publication and public discussion. Topics banned for publication include insulting religion, in particular Islam; criticizing the amir; endangering relations between Kuwait and friendly countries; insulting members of the judiciary or displaying disdain for the constitution; compromising classified information; sorcery; and publishing information that could lead to a devaluation of the currency or false economic worries. The Public Prosecutor investigated COVID-19-related cases concerning the dissemination of allegedly false news. In general, local activists, academics, journalists, and opposition political figures reported they were regularly contacted by KSS, Ministry of Information, and Public Prosecutor’s Office officials after they published opinions deemed contrary to government positions. Government authorities did not always take immediate action in the cases of social media posts made by citizens while overseas to which the authorities objected, but under the law, the government may take action once the author returns to the country. There was broad latitude in the interpretation of what constitutes a crime when voicing dissent against the amir or the government, and activists can face up to seven years in prison for each count of the offense. A lawyer said in July that the Publicity, Information, and Publication Affairs Prosecution prosecuted approximately 9,000

cases related to social media or traditional media publications over the past three years.

The courts continued to sentence political activists to harsh prison sentences for charges of speaking out against the amir, the government, religion, or neighboring states.

In January the Court of Cassation refused bail for social media influencer Jamal al-Najada who was sentenced to three months in prison for insulting the Public Prosecutor's Office in a leaked audio recording.

In 2020 the Court of Appeals and Cassation determined a 2014 conviction against outspoken opposition member of parliament Bader al-Dahoum for insulting the amir did not disqualify him for running for parliament. In March, however, the Constitutional Court reversed that decision and al-Dahoum was removed from the National Assembly.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media were active and expressed a variety of views within legally permissible limits. All print media were privately owned, although their independence was limited by law and self-censorship based on fear of prosecution. The government did not permit non-Islamic religious publishing companies, although several churches published religious materials solely for their congregations' use. The law allows for large fines and up to 10 years in prison for persons who use any means (including media) to subvert the state. The Ministry of Information may request that the Ministry of Commerce and Industry ban any media organization; media organizations can challenge media bans in the administrative courts. Newspaper publishers must obtain an operating license from the Ministry of Information. Both government and privately owned broadcast media are subject to the same laws as print media. According to the Ministry of Justice, there were 22 cases involving violations of the electronic media law.

Censorship or Content Restrictions: In January amendments to the Press and Publications Law came into effect that dismantled the Ministry of Information's oversight committee for imported publications (mainly books). Publishers importing books are no longer required to obtain prior permission from the

Ministry of Information to import books, and they are only expected to provide the book title, the author's name, the number of copies to be imported, and a copy of the book to the Ministry of Information. They remain liable to legal action if the courts receive an official complaint from the public. Other amendments to the Press and Publications Law prohibited publishing any content that "stirs up sectarianism or tribal strife" or racist ideas. According to the Ministry of Information, the Ministry of Awqaf and Islamic Affairs (awqaf means endowment) reviewed books of a religious nature.

Media outlets exhibited a range of opinions on topics relating to social problems, but all apparently self-censored, avoiding critical discussion on topics such as the amir, foreign policy, and religion, to avoid criminal charges or fines or to keep their licenses. Discussions of certain sensitive topics, such as sex, were also self-censored. Authorities censored most English-language educational materials that mentioned the Holocaust and required educational material either to refer to Israel as "Occupied Palestine" or to remove such references entirely, although authorities did not censor these topics in news media. Widely available satellite dishes and virtual private networks allowed unfiltered media access.

Libel/Slander Laws: The law mandates jail terms for anyone who "defames religion," and any Muslim citizen or resident may file criminal charges against a person the complainant believes has defamed Islam. Any citizen may file a complaint with authorities against anyone the citizen believes harmed public morals. The constitution states the amir is "immune and inviolable" and the penal code and press and publications law criminalize defamation and criticism of the amir.

National Security: The law forbids the publication or transmission of any information deemed subversive to the constitutional system on national security grounds. The government prosecuted online bloggers, political activists, and social media outlets under the Cybercrime Law, the Printing and Publications Law, and the National Security Law. The government generally restricted freedom of speech in instances purportedly related to national security, including the glorification of Saddam Hussein and references to the "Arabian Gulf" as the "Persian Gulf."

Authorities arrested prominent human rights defender and lawyer Hani Hussein in 2020 and charged him with “broadcasting false news about the Saudi-Kuwait Neutral Zone” and violating the national unity law. Hussein was released on bail and was found innocent by the Court of First Instance, but the government appealed the decision. In September the Court of Cassation acquitted Hussein of all charges.

Internet Freedom

The law criminalizes certain online activities, including unauthorized access to information technology systems and confidential information; blackmail; use of the internet for terrorist activity; money laundering; and utilizing the internet for human trafficking. The cybercrime department at the Ministry of Interior received 2,023 cybercrime related complaints during the year.

The government’s E-Licensing program requires bloggers and websites that provide news in the country to register with the Ministry of Information and apply for a license or face a fine. Information on the number of new registration applications, rejected applications, existing registered sites, and fines issued were unavailable.

The government continued to monitor internet communications, such as blogs and discussion groups, for defamation and general security reasons. The Ministry of Communications blocked websites considered to “incite terrorism and instability” and required internet service providers to block websites that “violate [the country’s] customs and traditions.” The government prosecuted and punished individuals for the expression of political or religious views via the internet, including by email and social media, based on laws related to libel, national unity, and national security. The government prosecuted some online bloggers under the Printing and Publications Law and the National Security Law.

In June an Egyptian resident was arrested and deported by security forces for “insulting the country” in a social media post in which he criticized the weather. In November local media reported a citizen who was sentenced in 2017 for criticizing Saudi Arabia on Twitter went on a hunger strike after the central prison transferred him to a cell occupied by convicted terrorists; he remained imprisoned

at the end of year.

The government filtered the internet primarily to block pornography and lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) material (to include health, advocacy, and legal information) as well as sites critical of Islam. The Communication and Information Technology Regulatory Authority (CITRA) blocked 82 websites during the year and unblocked 13. CITRA reported that the blocked websites included content considered offensive to the state and harmful to public morals. According to CITRA websites are blocked upon receipt of a request from the Public Prosecutor's Office or KSS.

Academic Freedom and Cultural Events

The law provides for the freedoms of opinion and research, but self-censorship limited academic freedom, and the law prohibits academics from criticizing the current and previous amirs or Islam. The government censored academic curricula for topics relating to the Holocaust, sex, and other sensitive subjects. The government restricted artistic presentations and theatrical performances if they were perceived to damage public morals.

The Ministry of Interior reserved the right to approve or reject public events it considered politically or morally inappropriate.

b. Freedoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

Noncitizens and Bidoon are prohibited from demonstrating. The government requires citizens to obtain permits for public gatherings of more than 20 persons. Bidoon activists reported that if they tried to assemble peacefully or organize campaigns to gain equal rights, authorities regularly harassed them. Some Bidoon activists indicated they were detained for questioning by authorities each time they planned campaigns or protests.

In July the Ministry of Interior deported a Jordanian resident for taking part in a gathering to protest the government's decision barring unvaccinated individuals

from entering malls. During the gathering he spoke to local television stations and criticized the ban.

Freedom of Association

The constitution provides for freedom of association, but the government placed restrictions on this right. The law prohibits officially registered organizations from engaging in political activities.

The government used its power to register associations as a means of political influence and to limit public engagement on controversial topics or proscribed activities. The Ministry of Social Affairs can reject an NGO's application if it deems the NGO does not provide a public service. Most instances in which the government closed a charity resulted from the charity not properly reporting fundraising activities, including failing to obtain permission from the ministry to fundraise or failing to submit annual financial reports. Dozens of unlicensed civic groups, clubs, and unofficial NGOs had no legal status, and many of those chose not to register due to bureaucratic inconvenience, including inability to meet the minimum 50-member threshold. The Ministry of Social Affairs continued to reject some new license requests, contending established NGOs already provided services like those the petitioners proposed. Members of licensed NGOs must obtain permission from the ministry to attend international conferences as official representatives of their organization.

Following the submission of a large number of applications from inactive NGOs to take part in activities abroad, the Ministry of Social Affairs' NGOs Department in 2019 set regulations for NGO members to take part in conferences, lectures, and seminars held outside the country, including limiting the maximum number of participants to two per NGO, ensuring the conference theme is part of the goals of the concerned organization's establishment, and notifying the ministry at least one month in advance.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution generally provides for freedom of internal movement, but numerous laws constrain foreign travel.

With limited paths to citizenship, all legal noncitizen workers are considered foreign workers rather than migrants.

Foreign Travel: Bidoon residents and foreign workers faced problems with, or restrictions on, foreign travel. The government restricted the ability of many Bidoon residents to travel abroad by not issuing them travel documents, although it permitted some Bidoon residents to travel overseas for medical treatment and education, and to visit Saudi Arabia for the annual Hajj. The Ministry of Interior issued Article 17 passports (temporary documents that do not confer nationality) to some Bidoon for these purposes, if they held valid identification documents issued by the Central Agency for Illegal Residents and did not have security restrictions placed on their file. Migrant workers who obtain emergency travel documents from their home country embassy are required to obtain permission from the PAM and the Ministry of Interior to exit the country. The Ministry of Interior announced that domestic workers would lose their residencies if they remained outside of the country for more than six months starting on December 1.

The law also permits travel bans on citizens and noncitizens accused or suspected of violating the law, including nonpayment of debts, and it allows citizens to petition authorities to impose a travel ban on others. This provision was sometimes imposed arbitrarily and resulted in delays and difficulties for citizens and foreigners leaving the country. Human rights activists reported being banned from travel to prevent them from participating in overseas events. They claim the government told them they were put under a travel ban for failing to pay parking tickets or other small fines.

Citizenship: By law the government is prohibited from revoking the citizenship of an individual who was born a citizen unless that individual has taken a second nationality. The government can revoke the citizenship of naturalized citizens for cause and can subsequently deport them. The justifications for such revocations include felony conviction for “honor-related and honesty-related crimes,”

obtaining citizenship dishonestly, and threatening to “undermine the economic or social structure of the country.” In 2018 the Court of Cassation, the country’s highest court, affirmed that it is not permissible to withdraw citizenship from any citizen without a legitimate reason, stressing that a final court ruling must justify any withdrawal of citizenship.

On occasion the government revokes citizenships. In August media reported the Supreme Committee for Nationality Verification revoked the citizenship of 54 citizens, mostly women with dual nationalities. The Supreme Committee, however, reported that it revoked the citizenship of 10 citizens during the reporting period. If a person loses citizenship, all family members whose status was derived from that person also lose their citizenship and all associated rights. Absent holding another nationality, those impacted would become stateless. Authorities can seize the passports and civil identification cards of persons who lose their citizenship and enter a “block” on their names in government databases. This “block” prevents former citizens from traveling with the country’s passports or accessing free health care and other government services reserved for citizens.

The law prohibits the granting of citizenship to non-Muslims, but it allows non-Muslim male citizens to transmit citizenship to their descendants.

The government may deny a citizenship application by a resident based on security or criminal violations committed by the individual’s family members.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government generally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law does not provide for granting asylum or refugee status, and the government has not established a system for providing protections to refugees. The country is not a party to the 1951 Refugee Convention or the

1967 protocols. While the government did not grant refugee status or asylum during the year, as of October, UNHCR officially recognized 2,047 persons of concern in the country. These persons of concern were legally in the country under employment contracts and were seeking resettlement in a third country. Of these individuals, 1,126 were Iraqi, 196 were Syrian, and 725 were other nationalities. The constitution prohibits the extradition of political refugees.

Employment: Most asylum seekers and refugees were from Iraq, Somalia, and Syria, and many were assisted by nongovernmental organizations pending determination of their refugee status and resettlement applications by UNHCR. Many reported being increasingly fearful of losing their job, residence status, or both. With COVID-19 many lost their jobs and associated residence permits, putting them at risk of deportation.

Access to Basic Services: Government policies made public health care more expensive for foreign workers but placed a cap on education fees. UNHCR received feedback from persons of concern that healthcare expenses were beyond their reach. They also had challenges enrolling their children in schools, particularly those who did not have valid residency permits. Support for children with disabilities was limited and often inaccessible for foreigners.

g. Stateless Persons

UNHCR estimated there were 92,000 stateless persons in the country in 2020. UNHCR's estimate included Bidoon residents who are stateless Arabs considered illegal residents by authorities and not granted citizenship. Human Rights Watch, Amnesty International, and press, however, estimated the Bidoon resident population at more than 100,000. Data from the Central Agency for Illegal Residents on the number of Bidoon residents in country was not available. The law does not provide stateless persons, including Bidoon persons, a clear path to acquire citizenship. The judicial system's lack of authority to rule on the status of Bidoon residents further complicated the process for obtaining citizenship, leaving Bidoon with no access to the judiciary to present evidence and plead their case for citizenship.

The government contributed to statelessness through discrimination against women

in nationality laws. Citizen women are not allowed to transmit nationality to their child or spouse. If a citizen woman marries a Bidoon man, their children become stateless and likely will have difficulty accessing basic education and medical services.

The Central Agency for Illegal Residents oversees Bidoon resident affairs. In August the Council of Ministers issued two resolutions that extended the agency's expired term by two additional years and reappointed the head of the agency. Bidoon residents, Bidoon rights advocates, members of parliament, and human rights activists protested the decision, arguing that the agency had not been effective in resolving matters pertaining to the Bidoon, and that conditions for Bidoon residents had dramatically deteriorated under the agency's leadership. They pointed to several Bidoon community members who had died by suicide in recent years due to dire social and economic conditions, including a 12-year-old boy in February. The agency received tens of thousands of citizenship requests by Bidoon residents for review since its establishment in 2010. Data on the number of requests accepted by the Central Agency was unavailable. In August the Ministry of Interior summoned 19 Bidoon activists for organizing an unauthorized weekly gathering and for insulting the Central Agency on the audio based social media platform Club House.

According to Bidoon advocates and government officials, many Bidoon residents were unable to provide documentation proving ties to the country sufficient to qualify for citizenship. Since the government considers Bidoon illegal residents, many lacked identification cards, which impeded access to education, prevented them from engaging in legal employment, or obtaining travel documents.

Security cards provide Bidoon residents with access to basic services. In January the Ministry of Defense requested more than 600 of its Bidoon employees renew their expired security cards to amend their legal working status. Some did not, however, receive renewed security cards from the agency because they were required to declare a different nationality. In August a Bidoon resident attempted to set himself on fire after the agency refused to renew his security card.

Although Bidoon residents are by law entitled to government benefits – including free healthcare, education, and ration cards – community members have alleged it

was often difficult for them to access those services due to bureaucratic red tape. Some Bidoon residents and international NGOs reported that the government did not uniformly provide government services and benefits to Bidoon residents. In a November incident widely discussed on social media, reports stated a Bidoon child was reportedly unable to receive necessary medical treatment, and the government refused to provide him with travel documents to receive treatment abroad. In response to negative media coverage, the Ministry of Interior granted travel documents to the child and his parents in December so that he could receive treatment in Saudi Arabia. Like other noncitizens Bidoon do not have the right to own real estate. Children of citizen women married to noncitizen men, such as Bidoon, likewise cannot inherit their mother's property, including the family home. They are forced to sell their home upon their mother's death, or otherwise be disinherited.

Since citizen children were given priority to attend public school, a small minority of Bidoon children whose families could afford it enrolled in substandard private schools. In December the Central Agency announced in a press statement that there were 33,700 Bidoon students enrolled in public and private school for the 2020-21 academic year whose expenses were paid through a government charitable fund. Some activists alleged that they or their family members have been deprived of access to education, healthcare, and jobs for advocating on behalf of the Bidoon. In October local media reported that the Ministry of Awqaf and Islamic Affairs repeatedly suspended the salaries of Bidoon employees for various periods of time, including more than a month due to budgetary issues and auditing. Citizen mothers married to Bidoon husbands, and Bidoon mothers alike, report that they are unable to access medical care easily or reliably for their children. Local media reported a government school barred a first-grade Bidoon student from attending school in November for not having a valid residence permit or passport. The student's guardian claimed the student was registered with the school since the beginning of the academic year and had a valid security card. Local media reported that the Ministry of Education permitted the girl to reenter the school after the story was published in the news.

The government alleged that most Bidoon residents concealed their "true" nationalities and were not actually stateless. Agency officials have extended

incentive benefits to Bidoon who disclose an alternate nationality, including priority employment and the ability to obtain a driver's license. According to the Central Agency, approximately 12,700 Bidoon admitted having a claim on another nationality in 2018. Bidoon leaders, however, alleged that when some members of the Bidoon community attempted to obtain government services from the Central Agency, officials required Bidoon individuals to sign a blank piece of paper to receive the necessary paperwork. Later, Bidoon reported, the agency would write a letter on the signed paper purportedly stating they held another nationality. The Court of Cassation ruled that decisions issued by the Central Agency for Illegal Residents fall under the jurisdiction of the judiciary and as a result, are challengeable in the courts, excluding those related to citizenship status. The Central Agency was tasked with granting or revoking government identification, birth, death, or marriage certificates, recommendations for employment, and other official documentation, whereas the Supreme Committee for the Verification of Citizenship at the Ministry of Interior managed all citizenship revocations and naturalizations. Nonetheless, many Bidoon and activists on their behalf continued to accuse the Agency of not complying with the law and failing to implement court rulings requiring it to register Bidoon residents and issue them required documents.

According to international observers, some Bidoon residents underwent DNA testing purportedly to "prove" their Kuwaiti nationality by virtue of blood relation to a citizen. Bidoon residents are required to submit DNA samples confirming paternity to become naturalized, a practice critics said leaves them vulnerable to denial of citizenship based on DNA testing.

The government allowed the Bidoon sons of soldiers who were either killed, missing in action, or served in the military for 30 years to be eligible to join the military. No information was available on the number of enlisted Bidoon; however, according to a 2019 statement from the head of the Interior and Defense Parliamentary Committee, as a result more than 27,000 Bidoons were awaiting enlistment.

There were reports of violence against Bidoon residents. In November the Criminal Court sentenced a former assistant undersecretary in Ministry of Information to 10 years in prison with hard labor for kidnapping and attempting to assault a Bidoon resident.

Section 3. Freedom to Participate in the Political Process

The constitution stipulates the country is a hereditary emirate. The 50 elected members of the National Assembly (plus government-appointed ministers) must approve the amir's choice of crown prince by majority vote conducted by secret ballot. According to the Succession Law, the crown prince must be a male descendant of Sheikh Mubarak al-Sabah and have attained the age of 30, possess a sound mind, and be a legitimate son of Muslim parents. The National Assembly may remove the amir from power by a two-thirds majority vote if it finds that any of these three conditions was not met.

Elections and Political Participation

Recent Elections: Observers generally considered the December 2020 parliamentary election free and fair, and reported no serious procedural problems. In November 2020 the Interior Ministry announced that 34 of the 395 candidates had been disqualified without explanation, although 20 were later reinstated. One of these candidates was elected to the Parliament. Due to COVID-19 health concerns, the campaign period prior to the election was shorter than normal, and in-person events were not allowed.

Opposition MPs took 24 of the National Assembly's 50 seats, an increase of 16 seats from the last parliament. Thirty candidates younger than age 45 were elected, while none of the 33 women candidates won seats. In May a by-election was held to fill the seat by Bader al-Dahoum's judicial disqualification (see section 2, Freedom of Expression). In the May election, which local observers considered free and fair, 15 candidates, including one woman, ran. Opposition figure Obaid al-Wasmi won the seat.

Political Parties and Political Participation: The government did not recognize political parties or allow their formation, although no law formally bans political parties. National Assembly candidates must nominate themselves as individuals. Well organized, unofficial blocs operated as political groupings inside the National Assembly, and members of parliament formed loose alliances. Those convicted of insulting the amir and Islam are banned from running for elected office. In 2019 the Court of Cassation issued a verdict that found citizens convicted of calling for

or participating in unregistered demonstrations and protest rallies or resisting security operatives could not vote or stand for public office. Voters may register to vote every February upon reaching the voting age of 21 and having citizenship for 20 years. Prosecutors and judges from the Ministry of Justice supervise election stations. Women prosecutors served as supervisors for the first time during the 2016 elections. Annually the Ministries of Interior and Justice work together to purge from voter registration lists the names of those convicted of insulting the amir; cases must reach a final verdict before names can be removed. The election law criminalizes tribal primary elections for member of parliament candidates that take place informally before the official election date. In September, one former and one current member of parliament were sentenced to two years' imprisonment for holding illegal tribal elections.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Religious minority groups can freely participate in the political process, vote, and run for the National Assembly. LGBTQI+ individuals do not openly participate in the political process due to legal discrimination (see section 6, Sexual Orientation and Gender Identity). Although women gained the right to vote in 2005, they faced cultural and social barriers to political participation. For example, some tribal leaders excluded women from running for office or choosing preliminary candidates by banning them from being considered or attending unofficial tribal primaries. Cultural norms often excluded women from attending local gatherings, called *diwaniyas*, which candidates attend to lobby for support from influential leaders and voters. The one appointed woman cabinet member can vote within the country's 50-seat parliament. Although 33 female candidates ran in the December 2020 parliamentary election, no women were elected. Analysts attributed this outcome to widespread discomfort with women in leadership roles and an electoral system that minimized the likelihood of voters allocating their one vote per slate of 10 district candidates to a female candidate. In September, three women were appointed as deputy directors of prosecution for the first time in the country. In October the Ministry of Justice announced that seven female judges assumed leadership roles overseeing misdemeanor court circuits. In November the government appointed 14 new female prosecutors to the Public Prosecutor's Office, increasing the total number of female prosecutors to

64. As of November the Ministry of Justice had appointed a total of 15 female judges. According to the Ministry of Justice, there were a total of 1,380 prosecutors and judges. As of December 19, the Ministry of Defense permitted women to enlist in the military. Within the first two days, the ministry reported 260 women signed up to join the military.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; the government generally did not implement the law effectively. There were numerous reports of government corruption during the year. Observers believed officials engaged in corrupt practices with impunity. The Anticorruption Authority, known as Nazaha, is charged with receiving and analyzing complaints and forwarding complaints to the appropriate authorities in either the Public Prosecutor's Office or police for further investigation or action but lacked legal authority to carry out robust anticorruption actions according to several NGOs. Nazaha cannot conduct covert surveillance, execute search warrants, arrest suspects, or enforce compliance with investigatory demands. Nazaha referred received 431 reports of corruption and referred 13 of those cases to the Public Prosecutor's Office as of November. The Public Prosecutor's Office was investigating 11 of the 13 cases as of November, one case was referred to the courts, and one case was dropped.

There were many reports that individuals had to pay intermediaries to receive routine government services. Police corruption was a problem, especially when one party to a dispute had a personal relationship with a police official involved in a case. There were numerous allegations in the media that police favored citizens over noncitizens. There were several reports of corruption in the procurement and bidding processes for lucrative government contracts.

In March a new law on the right to access information came into effect. The law allows nationals to request information, decisions, and documents from government entities. The chairman of the NGO Kuwait Transparency Society, Majid al-Mutairi, however, reported to local media that many government agencies still did not comply with the law.

All judicial officers received training on corruption and transparency obligations as part of the Judicial Institute's official curriculum.

Corruption: In August the NGO Kuwait Economic Society announced that the country lost approximately 1.2 billion dinars (\$4 billion) annually to corruption. Numerous cases of serious corruption, including government corruption, occurred. Nazaha continued to refer government officials involved in corrupt practices to the Public Prosecutor's Office, including officers of the Ministry of Interior, for forgery of official documents. In January the Criminal Court issued a life sentence for four European nationals employed by the country's Health Office in London for stealing public funds and embezzling approximately 4.5 million dinars (\$15 million). In March the Cassation Court ordered the release of former minister of health, Ali al-Obaidi, and two undersecretaries who had been sentenced to seven years' imprisonment with hard labor and ordered to refund 24.5 million dinars (\$81 million) to compensate the state for corruption. The Court of Cassation overturned the Court of Ministers' ruling and cancelled the refund order.

In April the Court of Ministers ordered the pretrial detention of former prime minister and ruling family member, Sheikh Jaber al-Mubarak al-Sabah, for embezzling approximately 242 million dinars (\$800 million) in military funds. The Public Prosecutor issued a gag order in 2020 on the publication or circulation of any information related to this case. In October al-Sabah was released on bail for 10,000 dinars (\$33,000) and appealed his case. Al-Sabah was awaiting trial at year's end.

In May the Public Prosecutor's Office referred eight judges, three lawyers, and six administrators in the Plenary and Appeal Courts to the Criminal Court on charges of bribery, forgery, and money laundering for their connection to a money laundering case initiated in 2020. In September the Court of Cassation upheld the appeal ruling for the imprisonment of former Ministry of Health undersecretaries Khaled al-Sahlaoui and Mahmoud Abdel Hadi for seven years with hard labor and banned them from holding any public sector jobs. The Public Prosecutor's Office charged the defendants with forgery and bribery during their time at the Ministry of Health. Investigations uncovered widespread use of false academic credentials by citizens and foreign residents in the public and private sectors, exposing fraud and a lack of transparency in the hiring and promotion of officials.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights.

The government imposed limits on the operations of domestic and international human rights groups, although government officials were somewhat cooperative and responsive to their views. The law permits the existence of NGOs, but the government continued to deny registration to some. To be registered NGOs are required to demonstrate that their existence is in the public interest, conduct business beneficial to the country, have at least 50 citizen members and a board comprised entirely of citizens, and not undermine cultural values and norms as defined by the government. NGOs may not engage in political activity or encourage sectarianism.

Major local NGOs dedicated specifically to human rights included the Kuwait Society for Human Rights and the Kuwaiti Association of the Basic Evaluators of Human Rights. Most local registered NGOs were devoted to the rights or welfare of specific groups, such as women, children, prisoners, and persons with disabilities. These organizations operated with little government interference, and some suffered from a lack of government cooperation. A few dozen local unregistered human rights groups also operated discreetly but ran the risk of sanction if they were too vocal in calling out abuses. The government and various national assembly committees met occasionally with local NGOs and generally responded to their inquiries.

In May the Public Prosecutor's Office dismissed the charges against human rights defender Hadeel Buqrais, officially closing her case, according to the Gulf Centre for Human Rights. Frontline Defenders reported the Cybercrimes State Security Agency interrogated Buqrais in November 2020 over a tweet critical of discrimination against and mistreatment of the Bidoon community. Frontline Defenders reported that authorities questioned her regarding her human rights work and advocacy for the Bidoon community without the presence of her lawyer.

Government Human Rights Bodies: The National Assembly's Human Rights Committee, which operates independently of the government, is a parliamentary

body that primarily hears individual complaints of human rights abuses and worked with plaintiffs and relevant stakeholders to reach a mutual settlement. The committee had adequate resources and was considered effective. The number of grievances received by the committee was unavailable.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape, but not spousal rape. The law covers rape for men and women. Rape carries a maximum penalty of death, which the courts occasionally imposed for the crime. The courts issued verdicts for 198 cases of sexual assault including rape. Some defendants were acquitted, while others received jail sentences from five to 20 years. Authorities did not effectively enforce laws against rape. The law allows a rapist to avoid punishment on the condition that he marry his victim and that her male guardian consents that the perpetrator not be punished. Violence against women continued to be a problem, and the law does not include separate criminal penalties for domestic violence. There were reports alleging that some police stations did not take seriously reports by both citizens and noncitizens of sexual assault and domestic violence, which service providers stated contributes to a culture of underreporting by rape and domestic violence survivors.

When reported, police typically arrested perpetrators and investigated allegations of rape, and in a limited number of cases, prosecuted the accused. In July the Public Prosecutor's Office ordered the arrest of a former government official for kidnapping and raping a Bidoon child. As of November the alleged perpetrator was in pretrial detention. In September the Criminal Court sentenced a male citizen to 15 years in prison for raping an expatriate woman.

Although the government does not regularly publish statistics on domestic violence, cases of domestic violence against women were regularly reported by local NGOs. These NGOs noted an increase in cases during the COVID-19 pandemic. The courts issued verdicts for 991 domestic violence cases, including 662 cases of violence against women. Some defendants were acquitted, while others received jail sentences from six months to 20 years, and some were

sentenced to the death penalty. Service providers observed that domestic violence was significantly underreported to authorities, but press publicized some high-profile cases.

In April a citizen man stabbed to death a citizen woman after he crashed his car into her sister's car and kidnapped her and her daughter. She had previously filed two police complaints against the perpetrator for harassing and threatening her for more than a year after her family had refused his marriage proposal. In July the Criminal Court charged the perpetrator with first degree murder and sentenced him to death by hanging. In September the Criminal Court referred a citizen man responsible for the September 2020 killing of his sister for examination by mental health experts. Press reports indicated that the accused man killed his sister while she was recovering in the hospital from an initial attempt on her life by another brother. Media asserted the men attacked their sister because they did not approve of her marriage.

In February activists launched a countrywide social media campaign under the name Lan Asket ("I will not be silenced") to raise awareness and end violence against women. The campaign encouraged women to submit their experiences online and documented numerous reports of women facing violence and harassment. Women's rights activists also documented numerous stories of citizen and female foreign workers seeking help to leave an abusive situation who faced significant obstacles or were forced to remain in life-threatening situations because government has not yet opened a shelter for victims of domestic violence. As of December the Ministry of Social Affairs assigned a building for a domestic violence shelter with capacity for up to 100 women and hired at least six staff to work at the shelter and operate the domestic violence hotline.

A woman may petition for divorce based on injury from spousal abuse, but the law does not provide a clear legal standard regarding what constitutes injury. In domestic violence cases, a woman must produce a report from a government hospital to document her injuries, in addition to having at least two male witnesses (or a male witness and two female witnesses) who can attest to the abuse. Advocates reported that women who reach out to police rarely get help because officers are not adequately trained to deal with domestic violence cases. Victims were generally sent back to their male guardians, who in some instances were also

their abusers. Information on the number of cases and final and appealable sentences issued for rape and domestic violence was unavailable.

Female Genital Mutilation/Cutting (FGM/C): While FGM/C is illegal, it is not specifically criminalized by law outside of the penal code provisions prohibiting physical violence and abuse. NGOs have reported its practice in some expatriate communities. Parents and doctors found to be participating in FGM/C can be fined.

Other Harmful Traditional Practices: The law provided reduced penalties for a man who murders a woman who allegedly engaged in an adulterous act, which NGOs have asserted legalizes honor killings. The government does not track honor killings or publish data on honor killings.

Sexual Harassment: Human rights groups characterized sexual harassment in the workplace as a pervasive and mostly unreported problem. The penal code criminalizes sexual harassment, but many activists, legal experts, and members of parliament have stated they are not satisfied with the penal code and called for a separate law to criminalize sexual harassment in February. In reference to the penal code, in September the government announced that sexual harassment is prohibited in the private sector workplace and that PAM is responsible for referring cases of sexual harassment and discrimination to the Ministry of Interior and Public Prosecutor's Office. The prohibition also includes "all forms and means of harassment and discrimination," including online and discrimination based on gender, age, pregnancy, or social status. PAM, however, has not announced the implementation of any procedures to report violations of the prohibition. The law criminalizes "encroachment on honor," which encompasses everything from touching persons against their will to rape, but police inconsistently enforced this law. The government deployed female police officers specifically to combat sexual harassment in shopping malls and other public spaces. Perpetrators of sexual harassment and sexual assault faced fines and imprisonment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

There were no reports of government interference in the right of married couples to decide freely the number, spacing, and timing of children. There were no reports of government interference in the ability to access information on reproductive health. Social and cultural attitudes, however, prevented unmarried women from seeking out this information and some physicians were reluctant to administer certain procedures, such as pap smears, to unmarried women despite there being no law against it. The information and means to make decisions, as well as skilled attendance during prenatal care, essential obstetric care, childbirth, and postpartum care were freely available to citizens and foreign residents with valid identification documents. Many stateless Bidoon and unmarried women reportedly had difficulty accessing nonemergency reproductive medical care.

While the government did not provide any formal family planning programs, contraceptives were available without prescription regardless of nationality, age, or marital status. Clinics were prohibited from providing any advice on contraceptives to unmarried women, however. Cultural stigmas discouraged unmarried women from accessing contraceptives. According to UN Population Fund 2021 estimates, 34 percent of women ages 15-49 used a modern type of contraceptives. It is illegal to give birth out of wedlock, and a mother who gives birth out of wedlock can be imprisoned along with her child. Fathers of children born out of wedlock can also be imprisoned. If an unmarried woman was pregnant, authorities have at times summoned her partner for interviewing, requested the suspected father submit to a paternity test, and asked for a marriage certificate backdated nine months for the mother and father to avoid arrest. Mothers giving birth out of wedlock in public or government-run hospitals often faced issues getting documentation for their children. NGOs and medical professionals reported families pressured unmarried pregnant women to claim falsely they have been raped to avoid jail time and the stigma associated with sexual relations prior to marriage.

The government provided some access to sexual and reproductive health services for survivors of sexual violence, but these services were largely inadequate. Emergency contraception was available. A large percentage of survivors of sexual violence had little access to health services. NGOs reported that hospitals do not have rape kits available; rape survivors are required to go to the Ministry of

Interior's forensic medical department to request a rape kit. Publicly available information was limited on the required procedures needed to request a rape kit. Expatriate survivors of sexual violence often had even less access to such services, particularly if they were illegal residents or their employer did not provide adequate medical coverage.

Discrimination: The law does not provide women the same legal status, rights, and inheritance provisions as men. Women experienced discrimination in most aspects of family law, including divorce and child custody, as well as in the basic rights of citizenship, the workplace, and in certain circumstances, the value of their testimony in court. Sharia (Islamic law) courts have jurisdiction over personal status and family law cases for Sunni and Shia Muslims. As implemented in the country, sharia discriminates against women in judicial proceedings, marriage, child custody, and inheritance. There were no reported cases of official or private sector discrimination in accessing credit, owning or managing a business, or securing housing, but no official government system exists to track this.

Discrimination in employment and occupation occurred with respect to both citizen and noncitizen women (see section 7.d.). Secular courts allow any person to testify and consider the testimony of men and women equally, but in sharia courts the testimony of a women equals half that of a man. A study released by the Kuwait Society for Human Rights in 2020 found that, while the constitution provides for equal rights for women, implementation often fell short and many laws contradicted its equal protection provisions.

The law allows marriage between Muslim men and non-Muslim women (of Abrahamic religious groups only) but it prohibits marriage between Muslim women and non-Muslim men. The law does not require a non-Muslim woman to convert to Islam to marry a Muslim man, but many non-Muslim women faced strong economic and societal pressure to convert. In the event of a divorce between a Muslim father and non-Muslim mother who did not convert to Islam, the law grants the father or his family sole custody of the children. A non-Muslim woman married to a Muslim citizen man is also ineligible for naturalization and cannot inherit her husband's property unless specified as a beneficiary in his will.

Inheritance is also governed by sharia, which varies according to the specific

school of Islamic jurisprudence. In the absence of a direct male heir, a Shia woman may inherit all property, while a Sunni woman inherits only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.

Women do not enjoy equal citizenship rights as men. Female citizens are unable to transmit citizenship to their noncitizen husbands or to children. Failure to provide equal citizenship rights to women subjects their children to statelessness when a woman is married to a stateless Bidoon resident. In exceptional cases some children of widowed or divorced female citizens were granted citizenship by amiri decree, although this was a discretionary act. In March the Ministry of Interior announced female citizens could sponsor residency permits for their noncitizen husbands and children only if the husband and children were unemployed and not naturalized citizens.

Male citizens married to female noncitizens do not face such discrimination and their children are accorded the full legal protections of citizenship. In February, however, the Legislative and Legal Affairs Committee rejected a proposal to grant citizenship to widows of male citizens even if the couple had children. Individuals can petition the Ministry of Interior to include their name on a list of proposed naturalizations, to be reviewed by the Council of Ministers. If approved the names go to the amir for signature and are published in the national gazette. The law requires segregation by gender of classes at all public universities and secondary schools, although it was not always enforced.

Systemic Racial or Ethnic Violence and Discrimination

The law states that all forms of expression that promote hatred against any category of society, incite sectarian strife, or call for the supremacy of any one ethnic or religious group are prohibited. In September the Ministry of Commerce and the PAM issued a decision to prohibit employers from discriminating based on gender, age, pregnancy, or social status in the oil and private sectors (see section 7.d.). Approximately 70 percent of residents are noncitizens, many originating from other parts of the Middle East, the Indian subcontinent, and South and Southeast Asia. Societal discrimination against noncitizens was prevalent and occurred in most areas of daily life, including employment, education, housing, social interaction, and health care (see sections 2.g, and 7.d.). The Ministry of

Interior used administrative deportation, which is not subject to judicial review, to deport noncitizens for minor offenses, such as operating a taxi without a license.

There were credible indications of unequal treatment of persons based on race, religion, and citizenship during arrest procedures and investigations by the Ministry of Interior.

Children

Birth Registration: Birth registration is generally available to all citizens and foreign residents as long as the parents have a recognized marriage certificate dated at least seven months prior to the birth date of their child. Citizenship is transmitted exclusively by the father (see section 6, Discrimination). The government designates the father's religious group on birth certificates as either Muslim, Christian, or other. The government often granted citizenship to orphaned or abandoned infants, including Bidoon infants. Bidoon parents, and in a few cases citizen women married to Bidoon or foreigners, were sometimes unable to obtain birth certificates for their children even after completing extensive administrative procedures. The lack of a birth certificate prevented Bidoon children from obtaining identification papers and accessing public services such as education and health care.

Education: Education for citizens is free through the university level and compulsory through the secondary level. Education is neither free nor compulsory for noncitizens. Credible reports estimate hundreds of children are unable to attend school as a result. The 2011 Council of Ministers decree which extended public education to Bidoon residents has still not been implemented fully. Lack of identification documents sometimes prevented Bidoon resident access to education even at private schools. The Education Ministry sets annual quotas for the number of Bidoon residents who can attend public schools, most of whom have citizen mothers. The others must attend private schools and pay fees. Charitable organizations offer tuition support to some but not all of these students.

Medical Care: Citizen boys and girls have equal access to state-provided medical care. Lack of identification papers restricted Bidoon residents' access to free medical care.

Child Abuse: The law establishes protections for abused children, including noncitizen children. The Child Protection Office of the Ministry of Health, established in 2014, has made significant efforts in monitoring and following cases of child abuse. The office manages a child abuse hotline, which received 474 reports of abuse as of November. Most abuses occurred within the family, and cases were approximately split evenly among boys and girls. In instances of reported child abuse, children are admitted to a hospital and assessed by medical professionals pending legal proceedings. There is no shelter for abused children.

Child, Early, and Forced Marriage: The legal marriage age is 17 for boys and 15 for girls, but tradition and family expectations sometimes resulted in girls marrying at a younger age within some tribal groups.

Sexual Exploitation of Children: There is no minimum age for consensual sex. There are no laws specific to child pornography because all pornography is illegal. There is no statutory rape law; premarital sexual relations are illegal. The law prohibits commercial sexual exploitation, sale, grooming, and offering or procuring children for prostitution. The authorities generally enforced the law.

A Child Protection Office policy holds families of children 13 years old or younger responsible for the use of social media applications that might be unsuitable for young children or could expose them to sexual predators.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were no known Jewish citizens and an estimated few dozen Jewish foreign resident workers. Anti-Semitic rhetoric generally originated from self-proclaimed Islamists or conservative opinion writers. There were reported cases of clerics and others making statements that perpetuated negative stereotypes of Jews.

Columnists often conflated Israeli government actions or views with those of Jews more broadly. Reflecting the government's nonrecognition of Israel, there are

longstanding official instructions to teachers to expunge any references to Israel or the Holocaust from English-language textbooks. The law prohibits local companies from conducting business with Israeli citizens, included transporting Israeli passport holders on the country's national airline.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with permanent physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other government services. It imposes penalties on employers who refrain without reasonable cause from hiring persons with disabilities. The law also mandates access to buildings for persons with disabilities. The government generally enforced these provisions. The government provides benefits to citizens with disabilities, including monthly allowances, loans, early retirement with full salary, and exemptions from all government fees. The law obligates government agencies to have a workforce that includes at least 4 percent of employees with disabilities. Noncitizens with disabilities neither had access to government-operated facilities nor received stipends paid to citizens with disabilities that covered transportation, housing, and social welfare costs. The government had not fully implemented social and workplace programs to assist persons with physical and in particular vision disabilities.

The government reserved a small number of admissions to Kuwait University for citizens with disabilities, and there was regular media coverage of students with disabilities attending university classes. The Public Authority for Disabled Affairs provided university scholarships for citizens with disabilities.

Authorities did not provide noncitizens with disabilities the same educational opportunities as citizens. Citizens can attend public schools that offer accommodations for children with disabilities, but noncitizen students must pay to

attend private school to receive such accommodations. Noncitizen students attended private schools only, which generally lacked accessible materials and reasonable accommodations.

Most citizen children with disabilities attended mainstream public school on an equal basis with nondisabled citizen children. Children with severe disabilities, however, generally attended specialized separate schools. The government supervised and contributed to schools and job training programs oriented to persons with disabilities. There were more than 57,000 persons with disabilities registered with the government, including thousands of school-age children, according to the Ministry of Education.

HIV and AIDS Social Stigma

Local human rights NGOs reported limited accounts of societal violence or discrimination against persons with HIV/AIDS, but persons with HIV/AIDS did not generally disclose their status due to social stigma associated with the disease. Since 2016 authorities have deported thousands of foreign residents with HIV/AIDS, and during the year local media reported approximately 200 foreign residents are deported annually because of their HIV/AIDS diagnosis (see section 7.d.).

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

Police incited, perpetrated, condoned, and tolerated violence against LGBTQI+ individuals. Transgender persons reported cases of repeated harassment, detention, abuse, and rape by police, who blackmailed and raped them without fear of reprisal. Consensual same-sex sexual conduct between men and imitating the appearance of a member of the opposite sex are illegal. The law criminalizes consensual same-sex sexual activity between men older than age 21 with imprisonment of up to seven years; those engaging in consensual same-sex sexual activity with men younger than age 21 may be imprisoned for up to 10 years. No laws criminalize same-sex sexual activity between women. The law criminalizes and imposes a fine and imprisonment for one-to-three years for persons imitating the appearance of the opposite sex in public. These penalties

were enforced.

The Criminal Court sentenced a transgender woman, Maha al-Mutairi, to prison for two years and fined her 1,000 dinars (\$3,315) in October for “imitating the opposite sex” in her online activities and for “misusing phone communication.” In June 2020 al-Mutairi asserted on social media that she was targeted by police based on her gender identity and she was sexually assaulted and raped by police officers. Authorities held al-Mutairi in solitary confinement at the central prison for men. In late November the Court of Appeals issued an amended verdict sentencing al-Mutairi to one month in prison and a fine of approximately 500 dinars (\$1,650). Since al-Mutairi had been imprisoned since October, she was released for completing the one-month sentence in late November. Societal discrimination and harassment based on sexual orientation and gender identity occurred. Officials practiced such discrimination, usually upon discovering that a person stopped for a traffic violation did not appear to be the gender indicated on the identification card.

No registered NGOs focused on LGBTQI+ matters, although unregistered ones existed. Due to social convention and potential repression, LGBTQI+ organizations neither operated openly nor held LGBTQI+ human rights advocacy events or Pride marches.

Other Societal Violence or Discrimination

Unmarried persons, particularly foreign workers, continued to face housing discrimination and eviction based on their marital status and income. For example, authorities frequently raided apartment blocks housing foreign worker “bachelors,” and reportedly shut off water and electricity to force single male workers out of accommodations. Local authorities evicted single foreign male workers to make room for citizen families, citing the presence of single men as the reason for increased crime, a burden on services, and worsening traffic. In December the Ministry of Interior indefinitely suspended all transactions related to obtaining or renewing driver’s licenses for migrant workers, reportedly to improve traffic conditions.

The spread of COVID-19 was followed by a strong upsurge in xenophobic

rhetoric. Expatriates, particularly those working in lower-wage positions, suffered from housing discrimination, and were largely limited to specific neighborhoods designated for their use. These neighborhoods were typically higher density and suffered from poor road maintenance and were prone to flooding. High density neighborhoods were subjected to much tighter COVID restrictions, including restrictions on freedom of movement not imposed on majority citizen neighborhoods. COVID-19 vaccines provided by the government were offered first to citizens. At the beginning of the year, the Ministry of Health stated citizens were vaccinated at a rate six times that of noncitizens, although by later in the year noncitizen legal residents had free access to the vaccine due to increased supply. In May the Ministry of the Interior questioned a policeman who was caught on video slapping an expatriate in line for the COVID-19 vaccine.

Local media reported that from January to November, there were 120 suicides, mostly among the migrant worker community. Local media reported that the government stated in response that any noncitizen would be deported for attempting suicide.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of citizen workers to form and join trade unions, bargain collectively, and conduct legal strikes, with significant restrictions. The law prohibits trade unions from conducting any political activities. Foreign workers, who constituted more than 80 percent of the workforce, may join unions only as nonvoting members after five years of work in the sector the union represents, provided they obtain a certificate of good conduct and moral standing from the government. They cannot run for seats or vote in board elections. Migrant workers have the right to bargain collectively at their respective workplace but are not permitted to form trade unions. Migrant workers can participate in trade unions and share grievances but are not permitted to vote or run for office. The government generally enforced applicable laws with some exceptions, which were commensurate with those for other laws involving denial of civil rights, such as discrimination. Complaint proceedings were generally not subjected to lengthy delays or appeals for Kuwaitis. The time it takes to resolve complaints for migrant

workers depends on the nature of the complaint but is generally longer for migrants than for citizens.

The labor law does not apply to domestic workers or maritime employees. Discrete labor laws set work conditions in the public and private sectors, with the oil industry treated separately. The law permits limited trade union pluralism at the local level. Public sector employees are permitted to unionize, but the government authorized only one federation, the Kuwait Trade Union Federation. The law also stipulates any new union must include at least 100 workers and that at least 15 must be citizens.

The law provides workers, except for domestic workers, maritime workers, and public sector employees, a limited right to collective bargaining. There is no minimum number of workers needed to conclude such agreements. The government did not effectively enforce the law. Public-sector workers do not have the right to strike. Citizens in the private sector have the right to strike, although cumbersome provisions calling for compulsory negotiation and arbitration in the case of disputes limit that right. The law does not prohibit retaliation against striking workers or prevent the government from interfering in union activities, including the right to strike.

As of July the Ministry of Interior arrested 95 employers for issuing residency permits in exchange for money and deported 4,896 residents whose legal status had lapsed. The Ministry of Interior reported that it closed 44 fake domestic worker employment offices.

The International Labor Organization and the International Trade Union Confederation criticized the citizenship requirement for discouraging unions in sectors that employ few citizens, including most private sector employment, such as construction. The government treated worker actions by citizens and migrant workers differently. While citizens and public sector union leaders and workers faced no government repercussions for their roles in union or strike activities, companies directly threatened migrant workers calling for strikes with termination and deportation.

The law prohibits antiunion discrimination and employer interference with union

functions. The law provides for reinstatement of workers fired for union activity. Nevertheless, the law empowers the courts to dissolve any union for violating labor laws or for threatening “public order and morals,” although a union can appeal such a court decision. The Ministry of State for Economic Affairs can request the Court of First Instance to dissolve a union. Additionally, the amir may dissolve a union by decree.

b. Prohibition of Forced or Compulsory Labor

The law does not prohibit and criminalize all forms of forced or compulsory labor. There are exceptions to the law in cases related to “national emergency and with just remuneration.” The law allows for forced prison labor as a punishment. Penalties were not commensurate with those for other analogous serious crimes, such as kidnapping.

In April security guards at the Ministry of Education posted on social media that they had not received their salaries for five months. In response PAM required their employer to pay their salaries. As of June hundreds of security guards and cleaners working for private companies with government contracts had not received their salaries since February. Some incidents of forced labor and conditions indicative of forced labor occurred, especially among foreign domestic and agricultural workers. Such practices were usually a result of employer abuse of the sponsorship system (*kafala*) for foreign workers. Employers frequently illegally withheld salaries from domestic workers and minimum-wage laborers. Employers confined some domestic and agricultural workers to their workspaces by retaining their passports and, in the case of some domestic workers, locked them in their work locations. The government did not make consistent efforts to educate households regarding the legal prohibition on seizing domestic employees’ passports. Some employers did not allow workers to take their weekly day of rest or leave their work location. Workers who fled abusive employers had difficulty retrieving their passports, and authorities deported them in almost all cases.

Domestic servitude was the most common type of forced labor, principally involving foreign domestic workers employed under *kafala*, but reports of forced labor in the construction and sanitation sectors also existed. Forced labor conditions for migrant workers included nonpayment of wages, long working

hours, deprivation of food, threats, physical and sexual abuse, and restrictions on movement, such as withholding passports or confinement to the workplace.

Numerous domestic workers who escaped from abusive employers reported waiting several months to regain their passports, which employers had illegally confiscated when they began their employment. There were numerous media reports throughout the year of sponsors abusing domestic workers or injuring them when they tried to escape. Some reports alleged that abuse resulted in workers' deaths. Female domestic workers were particularly vulnerable to sexual abuse. Police and courts were reluctant to prosecute citizens for abuse in private residences but prosecuted some serious cases of abuse when reported, particularly when the cases were raised by the source country embassies. According to a high-level government official, authorities prosecuted several cases of domestic worker abuse. PAM operated a shelter for female domestic workers, victims of abuses, or persons who were otherwise unwilling to continue to work for their employers and preferred to leave the country. The shelter had a capacity of 500, and PAM reported the shelter accommodated a total of 160 occupants during the reporting period. In August a Filipina domestic worker posted a video on social media claiming abuse by her sponsor. According to PAM, the Ministry of Interior and PAM found her and moved her to the women's domestic worker shelter in Jleeb al-Shuyoukh.

A government-owned recruiting company designed to mitigate abuses against domestic workers (Al-Durra) officially launched its services in 2017 and initially planned to bring 120 domestic workers a month from the Philippines and approximately 100 male workers from India. Al-Durra reported it had not recruited any new domestic workers since the end of the first quarter of 2020 due to COVID-19. Al-Durra's services included worker insurance, a 24/7 abuse hotline, and follow-up on allegations of labor rights violations. The target recruitment fee depends on domestic workers' experience and skillset. The government regularly conducted information awareness campaigns in Arabic and English via media outlets and public events and otherwise informed employers to encourage compliance by public and private recruiting companies with the law.

Numerous media reports highlighted the problem of residence permit or "visa trading," wherein companies and recruitment agencies collude to "sell visas"

fraudulently to prospective workers. Often the jobs and companies attached to these visas do not exist, and workers are vulnerable to exploitation in the black market where they are forced to earn a living and repay the cost of their fake “visa.” Arrests of traffickers and illegal labor rings occurred almost weekly. Since workers cannot freely or easily change jobs under the country’s kafala system, many workers were unwilling to leave their initial job, even if visa traders had misled them regarding the position, or their position existed only on paper. Workers who left their employers due to abusive treatment, nonpayment or late payment of wages, or unacceptable working conditions risked the Ministry of Interior charging them with falling into illegal residency status, absconding, and being deported. In 2020 PAM established an emergency hotline to track “visa trading” and labor infraction allegations. Through the hotline, online applications, social media platforms, and the PAM website, PAM received 53 complaints as of November. In October the Anti-Trafficking Department at the Ministry of Interior established a 24/7 hotline in Arabic and English to receive reports of human trafficking. Since its establishment the hotline received 95 complaints, none of which the Ministry of Interior qualified as a trafficking in persons violation.

The COVID-19 pandemic brought increased public and press attention to “visa trading.” Civil society groups, press outlets, and MPs called for the government to increase its efforts to protect victims and punish traders and their enablers.

In May the Court of Cassation sentenced a Ministry of Interior colonel and two Egyptian nationals to three years in prison for visa trading and violating the residency law. In September the Public Prosecutor’s Office ordered the arrest of three citizens for running a human trafficking operation, after the Immigration Investigations Department found that 400 expatriates were falsely told they would be working at hotels, which the workers later discovered did not exist. Some expatriates from various countries reportedly indicated to the Public Prosecutor’s Office they paid approximately 1,500 dinars (\$5,000) each to be brought to the country for work.

In March the rapporteur of the National Assembly’s human rights committee stated that the Ministry of Interior and Ministry of Social Affairs and Labor, among other ministries, were involved in human trafficking, and government contracts are a large source for trafficking.

In November the Court of Cassation rejected the appeals of Bangladeshi member of parliament Kazi Shahidul Papul, two Kuwaiti government officials, and a Kuwaiti former member of parliament who were convicted of bribery and human trafficking in April. The court upheld Papul's seven-year prison sentence, his fine of approximately 270,000 dinars (\$900,000), and his deportation after serving his sentence.

The court also upheld the appeal ruling for the former PAM chief, who was sentenced to seven years in prison and a fine of almost 180,000 dinars (\$600,000). The police officers involved were sentenced to seven years in prison and a fine of approximately 1.97 million dinars (\$6.5 million).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all of the worst forms of child labor. The government did not effectively enforce the child labor law. Penalties were not commensurate with those for other analogous serious crimes, such as kidnapping. The legal minimum age for employment is 18, although employers may obtain permits from the Ministry of State for Economic Affairs to employ juveniles ages 15 to 18 in some nonhazardous trades. Juveniles may work a maximum of six hours a day with no more than four consecutive hours followed by a one-hour rest period. Juveniles cannot work overtime or between 7 p.m. and 6 a.m.

Although not extensive there were credible reports that children of South Asian origin worked as domestic laborers. Some underage workers entered the country on travel documents with falsified birth dates.

PAM labor and occupational safety inspectors routinely monitored private firms for labor law compliance. Noncompliant employers faced fines or a forced suspension of their company operations. Nevertheless, the government did not consistently enforce child labor laws in the informal sector, such as in street vending.

Also, see the Department of Labor's *Findings on the Worst Forms of Child Labor*

at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment based on race, gender, and disability in the public and private sectors. Penalties for violations were not commensurate to other laws on civil rights, such as election interference.

The government immediately deported HIV-positive foreign workers, and there was no protection for workers based on sexual orientation. No laws prohibit labor discrimination based on non-HIV communicable diseases, or social status; there were no reported cases of discrimination in these areas. Discrimination in employment and occupation occurred with respect to both citizen and noncitizen women. Female domestic workers were at particular risk of discrimination or abuse due to the isolated home environment in which they worked.

The law states that a woman should receive “remuneration equal to that of a man provided she does the same work,” although it prohibits women from working in “dangerous industries” in trades “harmful” to health, or in those that “violate public morals,” such as professions that provide services exclusively to men. The law does not allow women to work the same hours as men and restricts women from working in certain industries, such as mining, oil drilling, construction, factories, and agriculture.

In September the Ministry of Commerce and PAM issued a decision banning sexual harassment and discrimination in the private sector workplace. The decision prohibits employers from discriminating on the basis of gender, age, pregnancy, or social status in the oil and private sectors.

The Supreme Council for Planning and Development reported that women make up 56 percent of the labor market in the public sector and 11 percent in the private sector. The Supreme Council for Planning and Development reported that women make up 18 percent of leadership positions.

The law prohibits discrimination against persons with permanent physical, sensory, intellectual, and mental disabilities in employment, and it imposes penalties on employers who refrain without reasonable cause from hiring persons with

disabilities. The government generally enforced these provisions. Noncitizens with disabilities had no access to government-operated facilities that covered job training, and the government has not fully implemented social and workplace aides for persons with physical and, in particular, vision disabilities.

In July, PAM approved a proposal to prohibit the issuance of new work permits for expatriate workers at the age of 60 years and above, and those who hold only high school diplomas, unless the employer paid a 2000 dinar (\$6,555) fee. In October the Department of Fatwa and Legislation determined that the prohibition was illegal and that the fee would be removed. In November, PAM proposed a new decision stipulating that this category of expatriate residents could renew their visas if their employers were to pay for private health insurance, amounting to approximately 900 dinars (\$3,000) and an annual visa fee of 510 dinars (\$1,680). Though this fee was for the employer, most employees paid the fees. The Fatwa and Legislation Department must approve PAM's new decision before it can be implemented. As of December no visas have been renewed and the suspension was still in place.

Shia continued to report government discrimination based on their religion. Shia held no leadership positions in the security forces. Some Shia continued to allege that a glass ceiling prevented them from obtaining leadership positions in public sector organizations, including the security services. In the private sector Shia were generally represented at all levels in proportion to their percentage of the population.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law does not provide for a national minimum wage for all sectors of the economy. It sets a national monthly minimum wage in the oil sector, and the private sector, and a minimum monthly wage for domestic workers. The minimum monthly salary for the private sector is approximately 75 dinars (\$250) whereas the approximate lowest monthly salary for the public sector is 600 dinars (\$2,000). Domestic workers earn a minimum monthly salary of approximately 60 dinars (\$200).

The law limits the standard workweek to 48 hours (40 hours for the petroleum

industry) and gives private-sector workers 30 days of annual leave. The law also forbids requiring employees to work more than 60 hours per week or 10 hours per day. The law provides for 13 designated national holidays annually. Workers are entitled to 125 percent of base pay for working overtime and 150 percent of base pay for working on their designated weekly day off. The government effectively enforced the law in most cases, but there were gaps in enforcement with respect to low-skilled migrant workers. Penalties were commensurate with those for similar crimes, such as fraud.

Occupational Safety and Health: The government issued occupational health and safety standards that were up-to-date and appropriate for the main industries. The law provides that all outdoor work stops between 11 a.m. and 4 p.m. during June, July, and August, or when the temperature rises to more than 120 degrees Fahrenheit in the shade. A worker could file a complaint against an employer with PAM if the worker believed his or her safety and health were at risk. As of November, PAM conducted 2,773 inspections; between June and August, PAM recorded 1,045 companies in violation of the work ban.

PAM was responsible for enforcement of wages, hours, overtime, and occupational safety and health regulations of workers. Labor and occupational safety inspectors monitored private firms. The government periodically inspected enterprises to raise awareness among workers and employers and to assure that they abided by existing safety rules, controlled pollution in certain industries, trained workers to use machines safely, and reported violations.

The government did not effectively enforce all occupational safety and health laws. Penalties for violations of the law were commensurate with those for crimes like negligence. Workers were responsible for identifying and reporting unsafe situations to PAM. Occupational safety and health inspectors were required to actively monitor conditions and take appropriate actions when violations occur. PAM monitored work sites to inspect for compliance with rules banning summer work and recorded hundreds of violations during the year. Workers could also report these violations to their embassies, the Kuwait Trade Union Federation, Kuwait Society for Human Rights, or the Labor Disputes Department. Noncompliant employers faced warnings, fines, or forced suspensions of company operations. The law does not provide domestic workers the right to remove

themselves from a hazardous workplace without jeopardizing their employment.

Informal Sector: The law does not provide for occupational health and safety standards for workers in the informal economy. PAM has jurisdiction over domestic worker matters and enforces domestic labor working standards.

At times PAM intervened to resolve labor disputes between foreign workers and their employers. The authority's labor arbitration panel sometimes ruled in favor of foreign laborers who claimed violations of work contracts by their employers. The government was more effective in resolving unpaid salary disputes involving private sector laborers than those involving domestic workers.

Domestic workers and other low-skilled foreign workers in the private sector frequently worked in excess of 48 hours a week, with no day of rest. The law required workers to earn an established monthly wage in order to sponsor their family to live in the country, although certain professions were exempted. As a result, most low-wage employees were not able to bring their families to the country.

Although the law prohibits withholding of workers' passports, the practice remained common among sponsors and employers of foreign workers, particularly domestic employees in the home, and the government demonstrated no consistent efforts to enforce this prohibition. Domestic workers had little recourse when employers violated their rights except to seek admittance to the domestic workers' shelter where the government mediated between sponsors and workers either to assist the worker in finding an alternate sponsor, or to assist in voluntary repatriation.

There were no inspections of private residences, where most of the country's domestic workers were employed. Reports indicated employers forced domestic workers to work overtime without additional compensation. In 2020 PAM began implementing a "blacklist" system that would prevent the sponsorship of domestic workers by recruitment offices or employers that violate workers' rights. The government usually limited punishment for abusive employers to administrative actions such as assessing fines, shutting employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back wages.

In September 2020 PAM, the Supreme Council for Planning and Development, the United Nations Development Program and the International Organization for Migration launched the Tamkeen Initiative to implement the International Recruitment Integrity System to promote ethical recruitment of migrant workers. As of November, PAM stated that the first phase of the Tamkeen Initiative, which included training for its own staff and recruitment agencies, was complete.

Some domestic workers did not have the ability to remove themselves from an unhealthy or unsafe situation without endangering their employment. There were reports of domestic workers' dying or attempting to die by suicide due to desperation over abuse, including sexual violence or poor working conditions. The law provides legal protections for domestic workers, including a formal grievance process managed by PAM. A worker who was not satisfied with the department's arbitration decision has the right to file a legal case via the labor court.

Several embassies with large domestic worker populations in the country met with varying degrees of success in pressing the government to prosecute serious cases of domestic worker abuse. Severe cases included those where there were significant, life-threatening injuries or death.

In July, PAM imposed a ban on residence permits for laborers in the country working in the industrial, agricultural, and fishing industries. In September, PAM implemented a decision to permit expatriates to transfer commercial visit visas to a work permits due to widespread labor shortages.